

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JESSICA M. RICKMAN  
AND KENNETH RICKMAN**

**VERSUS**

**PENSKE TRUCK LEASING  
CORPORATION AND WALTER  
C. BROWNING**

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**CIVIL ACTION NO. 1:22cv28-SA-DAS**

**DISTRICT JUDGE**

**MAGISTRATE JUDGE**

**NOTICE OF REMOVAL**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**COMES NOW**, through undersigned counsel, Defendant, Penske Truck Leasing Corporation, which respectfully avers as follows:

1.

On or about December 22, 2021, Plaintiffs, Jessica M. Rickman and Kenneth Rickman, filed a Complaint in the Circuit Court of Tishomingo County, Mississippi, naming Penske Truck Leasing Corporation and Walter C. Browning as Defendants. That suit bears docket number CV21-0152WT and is captioned “*Jessica M. Rickman and Kenneth Rickman v. Penske Truck Leasing Corporation and Walter C. Browning*”. A copy of the Complaint is attached as Exhibit “A”. Service of the Complaint was requested on Penske

Truck Leasing Corporation through its registered agent for service of process. As of the date of filing of this Notice of Removal, Penske Truck Leasing Corporation, has not yet been served. Nevertheless, Penske Truck Leasing Corporation waives the formal requirements of service of process in order to remove this matter prior to being formally served with the Complaint. *See Delgado v. Shell Oil Co.*, 231 F.3d 382 (5<sup>th</sup> Cir. 2000).

2.

Service of the Complaint was requested on Walter C. Browning via certified mail pursuant to Mississippi Rules of Civil Procedure 4(c)(5). As of the date of filing of this Notice of Removal, Walter C. Browning has not yet been served. Undersigned counsel will represent Walter C. Browning if and when he is properly served. Without waiving the requirements for formal service of process, Walter C. Browning joins in and consents to this Notice of Removal.

3.

In their Complaint, Plaintiffs allege that they are entitled to \$1,100,000.00 in damages. As such, it is facially apparent from the Complaint that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

5.

This Notice of Removal is filed prior to service of the Plaintiffs' Complaint on any Defendant, and is therefore timely. *See Delgado v. Shell Oil Co.*, 231 F.3d 382 (5<sup>th</sup> Cir. 2000).

6.

Plaintiffs, Jessica Rickman and Kenneth Rickman, are residents of the State of Mississippi. (See attached Exhibit "A", Plaintiffs' Complaint).

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Defendant, Walter Browning is a citizen of the State of Alabama. (See attached hereto as Exhibit “A”, Plaintiffs’ Complaint).

8.

Defendant, Penske Truck Leasing Corporation, is a foreign corporation incorporated under the laws of the State of Delaware and having its principal place of business in the State of Pennsylvania. (See attached Exhibit “B”, corporate information from Mississippi Secretary of State.)

9.

Accordingly, there is complete diversity of citizenship between the Plaintiffs and all named defendants. As of the date of the filing of this Notice of Removal, Plaintiffs have not named any other defendants.

10.

In accordance with the foregoing, this is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one which may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441, in that it is a civil action wherein the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states.

11.

In accordance with 28 U.S.C. § 1446(d), Defendant will provide appropriate notice of this removal to the parties, and to the Clerk of Court of the Circuit Court of Tishomingo County, Mississippi.

**JURY DEMAND**

Defendant is entitled to and requests trial by jury on all issues herein.

**WHEREFORE**, Defendant, Penske Truck Leasing Corporation, prays that the action entitled “*Jessica M. Rickman and Kenneth Rickman v. Penske Truck Leasing Corporation and Walter C. Browning*”, bearing docket number CV21-0152WT of the Circuit Court of Tishomingo County, Mississippi, be removed from that State Court docket to the United States District Court for the Northern District of Mississippi.

Respectfully submitted,

/s/ Gerard J. Dragna

**GERARD J. DRAGNA, #23042**

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***Attorney for Defendant, Penske Truck  
Leasing Corporation***

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been delivered to all counsel of record, either through the CM/ECF system, depositing a copy of same in the United States mail, first class postage prepaid, by hand delivery or by facsimile transmission, this 16<sup>TH</sup> day of February, 2022, at their last known address of record.

/s/ Gerard J. Dragna

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**GERARD J. DRAGNA**